

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGINA MORGENSTERN,

Plaintiff,

-against-

ORDER

CV 04-0058 (JS)(ARL)

COUNTY OF NASSAU, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court are numerous letters from counsel that address the parties' on-going dispute regarding the discovery of electronically stored information. On December 11, 2007, the court directed the County to restore certain e-mail user accounts and to report how long would be needed to complete the process. By letter dated January 31, 2006, the County reported that several of the accounts had been restored, that the County was been unable to locate data for ceratin users, and that in some instances tapes had been reused (rewritten), were no longer readable, or were physically defective. The County did not indicate how long the remaining discovery production would take although it had been directed to do so. Consequently, the court directed the parties to confer and provide the court with a proposed amended discovery schedule. Consistent with their conduct in this matter, the parties have been unable to agree on a discovery schedule.

Accordingly, the court enters the following amended scheduling order:

1. The County shall provide the plaintiff with all outstanding electronic discovery by March 23, 2007. As previously directed, electronic discovery shall be provided on a "rolling basis" as electronic data becomes available;
2. The County shall produce Donnelly, Bourne and Cancellieri for their depositions on or before April 20, 2007 notwithstanding any potential delay in the completion of electronic discovery. If the County fails to meet the deadline set

forth above, Messrs. Donnelly, Bourne and Cancellieri will be subject to recall to address electronic discovery at the County's expense;

3. All other discovery, inclusive of expert discovery, is to be completed by July 20, 2007;
 4. Any party planning on making a dispositive motion shall take first step in the motion process by August 3, 2007; and
 5. A final conference will be held on August 8, 2007 at 11:00 a.m. The parties are directed to electronically file the proposed joint pretrial order prior to the conference.

Dated: Central Islip, New York
March 9, 2007

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge